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DEC 13 2006

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Webb, et al.

Serial No.: 10/633,371

Filed: August 1, 2003

For: SPINAL IMPLANT

Attorney Docket No.: 5259-14600US01

Examiner: Annette R. Reimers

Group Art Unit: 3733

Certificate of Facsimile Transmission under 37 CFR §1.8(a): I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile, said transmission to be completed before midnight Eastern time on the date shown below, addressed to the following recipient:

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Beth A. Vroni 12/13/06
Beth A. Vroni Date

**PETITION FOR REVIVAL OF AN APPLICATION FOR A PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. A Non-Final Office Action concerning the above-identified application was mailed on June 5, 2006.
2. This application became abandoned for failure to respond to the Office Action on December 5, 2006.
3. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date of the Office Action until the filing of this petition was unintentional (37 C.F.R. §1.137 (b)(3)). See attached Declaration of Beth Vroni.

DEC. 13. 2006 6:52PM

NO. 0045 P. 5
Application Serial No.: 10/633,371
Attorney Docket No.: 5259-14600US01
Petition to Revive dated December 13, 2006

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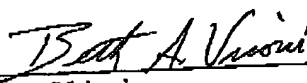
4. In response to said Office Action, enclosed herewith is a Response to Non-Final Office Action of June 5, 2006.

5. Because the status of the above-identified application is other than a small entity, authorization is given to charge deposit account no. 01-0025 in the amount of \$1,500.00 to cover the fee for the Petition to Revive and any additional fees incurred as a result of the filing of this paper.

6. A duplicate copy of this petition is enclosed.

Respectfully submitted,
Webb, *et al.*

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